

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Suits – High Court of Andhra Pradesh – Implementation of Judgment dated 22.7.2009 in W.P.No.19679 of 2001 filed by Smt V.Anuradha, Part-time Lecturer in English, S.N.Vanitha Maha Vidyalaya Degree College, Exhibition grounds, Hyderabad - Regularization of services – Orders – Issued.

HIGHER EDUCATION (CE.II-2) DEPARTMENT

G.O.Rt.No. 677

Dated: 09-09-2011.

Read the following:-

1. From the Hon'ble High Court of Andhra Pradesh, Hyderabad Judgment dated 22-07-2009 in W.P.No.19679 of 2001
2. Govt.Memo.No.7680/CE.II-2/2009, dated 3-7-2010.
3. From the C.C.E., A.P., Hyderabad, Lr.Rc.No.343/Admn.V-1/2009, dated 09-07-2010.
4. Govt. Fax Memo.No.7680/CE.II-2/2009, dt.13-10-2010.
5. From the C.C.E., A.P., Hyderabad, Lr.Rc.No.343/Admn.V-1/2009, dated:19-10-2010.
6. From the Hon' Secretary-cum-Correspondent, SNVMV, Hyderabad, Letter dated 23.10.2010 addressed to the CCE and copy marked to Govt.
7. From the CCE., A.P., Hyd, Lr.Rc.No.343/Admn.V-1/09,dt.12-01-11.

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ORDER:

Smt.V.Anuradha, Part-time Lecturer in English, S.N.Vanitha Maha Vidyalaya Degree College, Exhibition Grounds, Hyderabad filed W.P.No.19679 of 2001 in the Hon'ble High Court Andhra Pradesh, Hyderabad in which she prayed for her regularization in the cadre of Lecturer in English at least with effect from 25-11-1993 on the ground that she has actually completed more than 600 working days of service as on 25.11.1993, as per G.O.Ms.No.328 Education, dated 15-10-1997.

2. The Hon'ble High Court, Andhra Pradesh, Hyderabad in its judgment dated 22.07.2009 in W.P.No.19679 of 2001 among other things held that –

The Education Department, Government of Andhra Pradesh, 1st respondent herein, had issued G.O.Ms.No.328 on 15.10.1997 wherein it is stated as under:

“Only those who have put in a service of three academic years as on 30.7.1991 or five academic years as on 25.11.1993 as the case may be and also continuing in service on the date of issue of these orders, are eligible for regularization. As 120 days are considered to be reasonable number of working days for an academic year, the PTL/PTJLs should have put in 360 working days as on 30.7.1991 and 600 working days as on 23.11.1993. The service put up by the PTL/TJL in more than one private aided college with or without breaks may be taken into account. Counting of service shall be based on the certificate issued by the concerned RJD (HR) and counter signed by the Commissioner of Collegiate Education / Commissioner & Director of Intermediate Education, as the case may be. Such certificate shall be issued by the RJD(HR) based on the certificates issued by the Correspondent of the respective college and counter-signed by the Principal of the Private College along with the certificate of audit for the concerned period”.

P.T.O.

While interpreting the aforesaid G.O., a learned Single Judge of this Court by judgment dated 13.11.2001 in W.P.N.5304 of 1998 observed as follows;

" Writ of Mandamus shall issue to the Commissioner of Collegiate Education to count (1) the maternity leave availed by the petitioner (ii) the special leave for undergoing the tubectomy operation (iii) the days on which the petitioner was on invigilation work (iv) and the days that were declared as holidays at the time of communal riots and demolition of Babri Masjid and the casual leaves availed by her, as the period spent on duty while computing 600 man days as required under G.O.Ms.No.328 Edn. dated 15.10.1997 for consideration of the case of the petitioner for regularization of her services and pass orders within eight weeks from the date of receipt of a copy of this order/It is needless to observe that the petitioner is entitled to receive the arrears of the salary from the date on which the 3rd respondent-management sent proposals to the official respondents for regularizing the services of the petitioner. The official respondents are given eight more weeks to release the arrears in grant-in-aid."

The said judgment was challenged and a Division Bench of this Court, while disposing off the Writ Appeal No.2038 of 2001 by judgment dated 22.07.2008, observed as follows;

" We see no reason to interfere either with the findings of the learned Judge or with his conclusions in granting the relief to the first respondent-petitioner except to the limited extent that the respondents were to regularize the services of the first respondent-petitioner. The order of the learned Single Judge is modified and, accordingly, the appellants shall consider the case of the first respondent-petitioner in terms of G.O.Ms.No.328 dated 15.10.1997 and in accordance with the observations made in the order under appeal."

In so far as the order of the learned Judge directing the appellants to pay arrears of salary from the date the second respondent-Management sent proposals is concerned, we modify the order holding that, in case the first respondent-petitioner is regularized in service, she shall be entitled to arrears of salary from the date of the order of the learned Single Judge."

From the above judgments, it is clear as to how the period of 600 days has to be calculated.

Now, as the Secretary-cum-Correspondent of 3rd respondent-college has already addressed the Director of Collegiate Education and as the matter is pending before the Commissioner of Collegiate Education, 2nd respondent herein, the 2nd respondent is hereby directed to consider the case of the petitioner, keeping in mind the judgments of this court as stated supra, and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

3. Aggrieved by the orders of Hon'ble High Court dated 22-07-2009 in the reference 2nd read above, the C.C.E., has requested to verify the records and send his report in the matter.

4. Further, in G.O.Ms.No.328, Education, dated 15.10.1997, it was stipulated that the regularization of services of part-time lecturers working in private aided degree and junior colleges, one must have put in service of three academic years as on 30.7.1991 or five academic years as on 25.11.1993 as the case may be and one must also continue in service as on the date of the G.O., i.e., 15.10.1997. Taking into account 120 working days per academic year, this works out to putting in atleast 360 working days as on 30.7.1991 or 600 working days as on 25.11.93. The services put in by the Part-time Lecturers in more than one private aided colleges with or without breaks is also permitted to be taken into account for calculating the total number of existing working days. It was also stipulated that there should be an aided vacant post and workload should warrant filling up of the vacancy. Subsequently in G.O.Ms.No.283, Edn., dated 3.11.1999, Government have annulled the scheme of regularization formulated in the above mentioned G.O.

5. The Commissioner of Collegiate Education, in his report has stated that the individual has put in 594 working days as on 25-11-1993. Further, the Correspondent SN Vanitha Maha Vidyalaya has furnished evidence that the individual has put in 52 working days in examination invigilation work and 16 days were declared as holidays at the time of communal riots and demolition of Babri Masjid.

6. As per the directions of the Hon'ble High Court, the total number of working days put in by the individual as on 25-11-1993 are 662 (594+52 +16) and therefore the individual satisfies the requirement of G.O.Ms.No.328 Education, dated 15-10-1997, on the analogy of Smt T.M.Bhramarambika, P.T.L., in Telugu, S.N.Vanitha Maha Vidyalaya Degree College, Exhibition Grounds, Hyderabad whose services were regularized in to Grant-in-Aid and orders were issued vide G.O.Rt.No.214 Education, dated 21-03-2009. The C.C.E., has requested the Government to issue suitable orders in the matter.

7. In the light of the above and keeping in view the directions of the Hon'ble High Court of Andhra Pradesh, the matter is reviewed. It is observed benefit of the service rendered by Smt.V.Anuradha, Part Time Lecturer in English, S.N.Vanitha Maha Vidyalaya Degree College, Exhibition Grounds, Hyderabad on invigilation duties for annual examinations and the break on account of curfew days has to be given to her. All these days taken together work out to a total of 662 days during the relevant period ie., prior to 25.11.1993 and as such she has satisfied the provisions of G.O.Ms.No.328 Edn., dated 15.10.1997.

8. After careful examination of the matter and to comply with the judgment of Hon'ble High Court dated 22.7.2009 in W.P.No.19679/2001, filed by the individual, the Government hereby direct that the services of Smt. V.Anuradha, Part-time Lecturer in English, S.N.Vanitha Maha Vidyalaya Degree College, Exhibition Grounds, Hyderabad be regularized as Lecturer against an existing aided vacancy with effect from 22.09.2009 (ie., date of judgment in W.P.No.19679/2001) with all consequential benefits, as directed by the Hon'ble High Court, as a special case.

9. The Commissioner of Collegiate Education, Andhra Pradesh, Hyderabad shall take necessary action accordingly.

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10. This orders issues with the concurrence of Finance (PC.III) Department vide their U.O.No.15380/327/A1/PC.III/2011, dt.24.06.2011 and U.O.No.23171/519/A1/PC.III/2011, dated 05-09-2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.G. GOPAL,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
The Commissioner of Collegiate Education, A.P., Hyderabad.

Copy to:

The individual concerned **thro.**

The Commissioner of Collegiate Education, A.P., Hyderabad.

The Secretary & Correspondent,

S.N.V.M. Vidyalaya, Exhibition Grounds, Hyderabad.

P.S.to Special Secretary to Chief Minister.

P.S. to Dy.C.M.

P.S. to Principal Secretary (Higher Education).

Finance (PC.III)Department.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER.